

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

THOMAS SINGERMAN**CASE NO. 6:19-CV-00952****VERSUS****JUDGE ROBERT R. SUMMERHAYS****PBC MANAGEMENT INC ET AL****MAGISTRATE JUDGE CAROL B.
WHITEHURST**

RULINGS ON OBJECTIONS TO DEPOSITION EXCERPTS

Pursuant to the scheduling order in this case, the parties have filed proposed deposition excerpts to be introduced at trial, as well as their objections to the proposed excerpts. With respect to the objections, the Court rules as follows:

**I.
DEFENDANT'S OBJECTIONS**

1. Deposition of Alfred Peralta

<i>DESIGNATION</i>	<i>OBJECTION</i>	<i>RULING</i>
Page 129:15-137:8	Defendants object to this testimony on the grounds that it calls for speculation, misstates the facts, and subject to the Motion in Limine to exclude the statement of Captain Peralta.	Sustained
Page 138:5-13	Defendants object on the grounds that it calls for speculation, lack of foundation, and misstates the facts.	Overruled
Page 138:19-24	Defendants object to the attached and to the statements of Captain Peralta for the reasons identified in the Motion in Limine pending before this Court.	Sustained
Page 146:21-149:22	Defendants object to this line of questioning based upon relevance, subsequent and remedial measure, and more prejudicial than probative.	Defer to Trial

Page 150:22-Page 151:7	Defendants object on the grounds of hearsay, relevancy, subsequent remedial measure, and all reasons contained in the Motion in Limine to exclude evidence related to Captain Peralta's termination.	Sustained
Page 151:14-152:21	Defendants object to this line of questioning on the grounds of relevancy, subsequent remedial measure, speculation, and hearsay.	Defer to Trial
Page 152:22-154:7	Defendants object to this line of questioning on the grounds of speculation, lack of personal knowledge, and improper opinion testimony.	Overruled
Page 154:8-12	Defendants object to this line of questioning on the grounds of speculation, lack of personal knowledge, and improper opinion testimony.	Overruled
Page 155:17-156:15	Defendants object on the grounds that it is improper impeachment testimony, the statement used is the subject of the Motion to Exclude previously filed and pending with this Court, lack of foundation, speculation, relevancy and improper opinion testimony.	Sustained
Page 156:16-18	Defendants object to this question on the grounds of speculation and lack of foundation.	Defer for additional argument of counsel
Page 157:6-161-25	Defendants object to this line of questioning on the grounds of relevance, speculation, hearsay, lack of foundation, improper predicate, more prejudicial than probative, and confusing the issues.	Sustained
Page 163:17-21	Defendants object on the grounds that this one question is taken completely out of context.	Overruled. Defendant has leave to counter-designate to place questions in context.
Page 166:7-167:23	Defendants object on the grounds that the testimony is hearsay, irrelevant, calls for speculation, and has a lack of foundation for the witness to testify on the subject matter.	Sustained
Page 168:14-20	Defendants object on the grounds that the questions are argumentative, they are irrelevant, they assume facts not in evidence, they assume facts not in evidence, they call for speculation, they are misleading, and they misstate the witness' prior testimony.	Sustained

Page 172:25-174:19	Defendants object to this line of questioning on the grounds that it is irrelevant, misuse of a prior statement, misstates testimony, confuses the issues, is more prejudicial than probative, and is misleading.	Sustained
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2. Deposition of Chad Jarman

<i>DESIGNATION</i>	<i>OBJECTION</i>	<i>RULING</i>
Page 45:22-46:4	Defendants object on the grounds that it is confusing the issues and inciting the jury.	Sustained
Page 47:17-20	Defendants object on the grounds that it calls for improper opinion testimony.	Overruled
Page 52:17-23	Defendants object on grounds that it calls for speculation, calls for determinations that are within the province of the jury, speculation, lack of foundation, improper predicate, and more prejudicial than probative.	Sustained. Leading and cumulative
Page 53:18-23	Defendants object to this entire line of questioning on the grounds of relevancy, speculation, lack of foundation, and misstates the facts and evidence.	Defer for additional arguments by counsel
Page 57:2-65:19	This entire line of questions is improper impeachment testimony, calls for speculation, bears a lack of foundation, is irrelevant, is more prejudicial than probative, and misstates the facts and evidence.	Defer for additional arguments by counsel
Page 74:13-75:11	Calls for speculation, is irrelevant, and bears the lack of foundation	Sustained
Page 83:9-17	Defendants object on the grounds that this question calls for speculation, lack of foundation and misstates facts and evidence.	Defer for additional arguments by counsel
Page 83:19-85:12	Defendants object to the line of questioning based upon lack of foundation, speculation, relevancy, and improper opinion testimony.	Overruled

3. Deposition of Edwin Perry Hall

<i>DESIGNATION</i>	<i>OBJECTION</i>	<i>RULING</i>
Page 22:9-23:8	Defendants object on the basis of relevancy.	Overruled
Page 37:10-25	Calls for speculation and lack of foundation.	Overruled
Page 45:22-46:7	The question calls for speculation and has a lack of foundation.	Overruled
Page 47:10-17	Defendants object on the grounds of leading the witness.	Overruled

Page 47:18–48:9	Question calls for opinion testimony	Overruled
Page 48:10-14	Defendants object on the grounds of leading the witness.	Overruled
Page 49:5-50:16	Defendants object on the grounds of improper impeachment.	Defer
Page 50:8–57:18	Defendants object on the grounds of improper impeachment, calls for speculation, lack of foundation, confusion of the issues, and misleading of the jury.	Defer to trial. Parties can argue this objection at trial away from the jury.
Page 58:7-25	Calls for speculation, lack of foundation and improper predicate.	Sustained
Page 59:3-60:12	Defendants object on the grounds of improper impeachment.	Defer
Page 60:13–61:8	Defendants object to the question as a compound question. Defendants further object as it misstates the prior testimony.	Overruled
Page 61:9-18	Defendants object to the question on the grounds that it calls for speculation and there is a lack of foundation.	Overruled
Page 61:20–62:16	Defendants object to this line of questioning on the grounds that it calls for speculation, lack of foundation and improper opinion testimony.	Overruled
Page 64:9-66:12	Defendants object to the question on the grounds that it's a leading question.	Overruled
Page 66:20-67:6	Defendants object to the question on the grounds that it's a leading question.	Overruled
Page 67:18-68:19	Defendants object to the question on the grounds that it's a leading question.	Overruled
Page 68:20-22	Defendants object as it calls for speculation.	Overruled
Page 68:23-69:5	Defendants object to the question on the grounds that it's a leading question.	Overruled
Page 69:10-23	Defendants object to the question on the grounds that it's a leading question.	Overruled
Page 72:1-75:14-76:7	Defendants object on the grounds that it calls for speculation, lack of foundation, and more prejudicial than probative.	Defer for additional argument by counsel
Page 73:17-75:5	Defendants object to the questions on the grounds that it's a leading questions.	Overruled
Page 74:25-75:5	Defendants object on the grounds of leading the witness.	Overruled

Page 75:14-75:19	Defendants object to the question as it calls for speculation.	Defer for additional argument by counsel
Page 76:3-7	Defendants object to the question on the grounds that it's a leading question.	Overruled
Page 76:14-77:14	Defendants object on the grounds of lack of foundation, and calls for speculation.	Defer for additional argument by counsel
Page 77:15-78:3	Defendants object on the grounds of leading the witness.	Sustained
Page 79:1-17	Defendants object on the grounds that the answer is based upon hearsay.	Defer for additional argument by counsel
Page 79:18-80:5	Defendants object on the grounds that it calls for speculation, lack of foundation and hearsay.	Sustained
Page 80:6-8	Defendants object to the question on the grounds that it's a leading question.	Overruled
Page 81:5-16	Defendants object on the grounds that it calls for speculation.	Overruled
Page 81:17-82:15	Defendants object to the question on the grounds that it's a leading question.	Sustained
Page 82:16-21	Defendants object to the question on the grounds that it's a leading question.	Overruled
Page 83:16-84:1	Defendants object to this question on the grounds that it calls for speculation and lack of foundation.	Sustained
Page 83:16-85:13	Defendants object on the basis of lack of foundation and improper predicate.	Sustained
Page 85:14-86:16	Defendants object to this line of questioning on the grounds that it calls for improper opinion testimony.	Sustained
Page 86:10-87:3	Defendants object to the question on the grounds that it's a leading question.	Overruled
Page 87:9-88:15	Defendants object to this line of questioning on the grounds of improper opinion testimony.	Sustained
Page 88:16-89:2	Defendants object on the grounds of lack of foundation, speculation, and hearsay.	Overruled
Page 89:10-19	Defendants object to this line of questioning on the grounds that it is barred as a subsequent remedial measure.	Defer to trial
Page 89:20-91:8	Defendants object to this line of questioning on the grounds that it is barred as a subsequent remedial measure.	Defer to trial
Page 93:20-94:2	Defendants object on the grounds that it seeks improper opinion testimony.	Overruled

Page 94:3-95:8	Defendants object to this line of questioning on the grounds of lack of foundation, improper predicate, lack of personal knowledge, and improper opinion testimony.	Sustained
Page 95:9-96:10	Defendants object to this line of questioning on the grounds of lack of foundation, improper predicate, lack of personal knowledge, and improper opinion testimony.	Sustained
Page 96:11-97:14	Defendants object on this line questioning on the basis of improper use of impeachment evidence, lack of foundation, improper predicate, improper expert opinion testimony, hearsay, and calls for speculation.	Defer for additional argument by counsel
Page 222:1-225:21	Defendants object to the questions as leading, improper opinion testimony, and speculation.	222:24-224:4 Sustained
Page 223:6-13	Defendants object to this question and answer on the grounds that it is a leading question.	224:15-225:2 Sustained
Page 223:14-21	Defendants object to this question and answer on the grounds that it is a leading question.	otherwise, Overruled
Page 223:22-224:4	Defendants object to this question and answer on the grounds that it is a leading question.	
Page 224:20-225:2	Defendants object on the grounds that it is improper opinion testimony. Defendants further object on the grounds the line of questioning will confuse the issues, mislead the jury, and misstates the facts.	Overruled
Page 226:5-226:10	Defendants object on the grounds of lack of foundation, hearsay, and speculation.	Sustained
Page 226:11-13	Defendants object on the grounds of lack of foundation, hearsay, and speculation.	Overruled
Page 226:14-21	Defendants object on the grounds that it lacks a foundation, the question is leading, and is improper speculation.	Defer for additional argument by counsel
Page 226:22-227:4	Defendants object on the grounds that it lacks a foundation and is improper speculation.	Defer for additional argument by counsel
Page 227:5-13	Defendants object on the grounds that it lacks a foundation, is leading, and is improper speculation.	Sustained. Leading
Page 227:14-228:12	Defendants object on the grounds that it lacks a foundation, is leading, and is improper speculation.	Sustained

Page 228:17-229:12	Defendants object to this line of questioning on the grounds of speculation, is leading, lack of foundation and calls for improper opinion testimony.	Sustained
Page 230:8-16	Defendant objects on the grounds that the question is leading.	Sustained
Page 230:19-231:2	Defendants object on the grounds of improper speculation.	Sustained
Page 231:4-232:17	Defendants object on the grounds of relevancy.	Defer for additional argument by counsel

II. PLAINTIFF'S OBJECTIONS

1. Deposition of Albert Peralta

<i>DESIGNATION</i>	<i>OBJECTION</i>	<i>RULING</i>
Page 67:6-25-70:1-10, and Deposition Exhibits Nos: 6 and 7	Documents were not previously disclosed; probative value substantially outweighed by danger of unfair prejudice, confusion, and misleading jury; no foundation.	Defer for additional argument by counsel
Page 46:23-25	Leading	Overruled
Page 48:7-10	Leading	Overruled
Page 48:11-14	Leading	Overruled
Page 48:15-19	Leading	Overruled
Page 49:17-20	Leading	Overruled
Page 49:21-23	Leading	Overruled
Page 49:24-25 and 50:1-3	Leading	Overruled
Page 50:23-24	Leading	Overruled
Page 52:2-5	Leading	Overruled
Page 52:11-15	Leading	Overruled
Page 53:1-4	Leading	Overruled
Page 53:5-7	Leading	Overruled
Page 53:8-9	Leading	Overruled
Page 53:10-15	Leading	Overruled
Page 54:10-13	Leading	Overruled
Page 54:21-24	Leading	Overruled
Page 54:25 and 55:1	Leading	Overruled
Page 55:2-4	Leading	Overruled

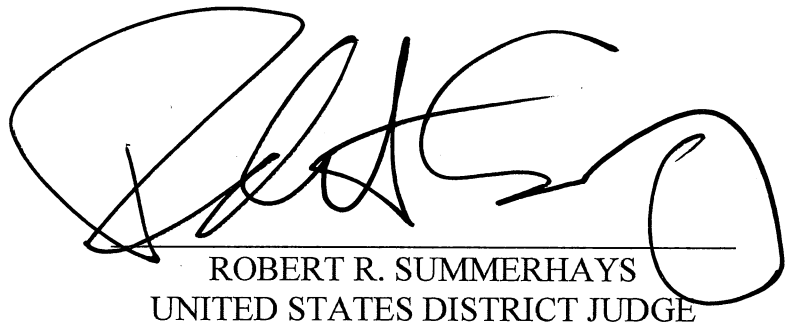
Page 55:5-9	Leading	Sustained. Compound and Confusing
Page 55:5 and 56:1-3	Leading	Overruled
Page 60:13-16	Leading	Overruled
Page 72:6-8	Leading	Overruled
Page 72:9-10	Leading	Overruled
Page 84:18, 21	Leading	Overruled
Page 85:1-8	Leading	Overruled
Page 89:17-19	Leading	Overruled
Page 89:20-22	Leading	Overruled
Page 116:12-20	Leading	Overruled
Page 176:16-23	Leading	Sustained
Page 177:13-16	Leading	Overruled
Page 177:17-19	Leading	Overruled
Page 177:20-23	Leading	Overruled
Page 177:24-25 and 178:1-2	Leading	Overruled
Page 178:6-9	Leading	Overruled
Page 178:10-15	Leading	Overruled
Page 178:16-18	Leading	Overruled
Page 178:19-22	Leading	Overruled
Page 178:23-25 and 179:1-3	Leading	Overruled
Page 179:4-7	Leading	Overruled
Page 179:8-9	Leading	Overruled
Page 179:10-13	Leading	Overruled
Page 179:14-15	Leading	Overruled
Page 179:16-21	Leading	Overruled
Page 179:22-25	Leading	Overruled
Page 180:9-11	Leading	Overruled
Page 180:12-18	Leading	Overruled
Page 181:8-11	Leading	Overruled
Page 183:10-15	Leading	Overruled
Page 183:16-18	Leading	Overruled
Page 183:25 and 184:1-3	Leading	Overruled
Page 184:4-6	Leading	Overruled
Page 185:4-11	Leading	Sustained
Page 185:12-25 and 186:1-7	Leading	Overruled
Page 188:6-12	Leading	Overruled
Page 188:13-16	Leading	Overruled
Page 188:17-24	Leading	Overruled

Page 188:25 and 189:1-15	Leading	Overruled
Page 189:16-22	Leading	Overruled
Page 189:23-25 and 190:3	Leading	Overruled
Page 190:13-14	Leading	Overruled
Page 190:15-18	Leading	Overruled
Page 191:4-8	Leading	Overruled
Page 50:14-22	The answer is non-responsive to the question asked.	Overruled
Page 85:9-11	Speculation and conjecture	Sustained
Page 85:9-16	Speculation and conjecture	Sustained
Page 106:9-15	Speculation and conjecture	Overruled
Page 108:12-25 – 113:1-15 and Peralta No. 9	Speculation and conjecture	Overruled

2. Deposition of Eddie Hall

<i>DESIGNATION</i>	<i>OBJECTION</i>	<i>RULING</i>
Page 108:23-25 – 112:1-7 and Deposition Exhibit Nos: 6 and 7	Exhibits never produced; unfair prejudice; no foundation.	Defer for additional argument by counsel

THUS DONE in Chambers on this 26th day of August, 2021.



ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE